IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3927 OF 2006

Shehnaaz Mohd. Siraj Shaikh ...Applicant

vs.

Mohammed Siraj Shaikh and others ...Respondents

Mr.Ramesh Dube-Patil i/b Jay and Co. for the Applicant
Mr.D.P.Adsule,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : DECEMBER 11,2006.

P.C.:

1. Heard Advocate for the Applicant. He states that first to fifth Respondents are personally present in the Court. The Applicant has filed a F.I.R. alleging commission of offence under section 498-A of the Indian Penal Code against the first to fifth Respondents herein. The F.I.R. was registered with Antop Hill Police Station, Mumbai. On the basis of the F.I.R., a charge sheet was filed and now a case is pending in the Court of Metropolitan Magistrate. The Application discloses that in the proceedings pending between the Applicant and the first Respondent, consent terms were filed before the Family court. A true copy of the consent terms filed before the Family Court has been annexed to the Application.

2. The prayer made by the Applicant by filing this Application under section 482 of the Code of Criminal

Procedure, 1973 is for quashing the criminal case on the basis of the F.I.R. lodged by the Applicant herself. The said Application is made on the basis of the settlement between the parties. The Advocate for the Applicant pointed out that as per the consent terms filed before the Family Court, on deposit of Rs.30,000/- by the first Respondent, the Applicant had agreed not to prosecute the criminal case pending against the first to fifth Respondents.

3. I have perused the Application and the true copy of the consent terms. The Applicant is seeking quashing of the criminal proceedings filed at her own instance, on the ground of amicable settlement. It is obvious that the F.I.R. was lodged by the Applicant as an outcome of the matrimonial dispute between herself and the first Respondent. Now, there is a complete settlement between the parties in the pending matrimonial dispute. Therefore, continuation of criminal proceeding will cause a sheer harassment to both the parties. Hence, a case is made out for exercising power under section 482 of the Code of Criminal Procedure, 1973.

4. Hence, Application is disposed of by passing the following order:

i) Rule is made absolute in terms of prayer clause (a).

JUDGE